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भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, जुलाई 10, 1995/आषाढ़ 19, 1917
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गृह मंत्रालय
अधिसूचना
नई दिल्ली, 10 जुलाई, 1995

का. आ. 618अ--केन्द्रीय सरकार ने, विधि विरुद्ध क्रियाकलाप निवारण अधिनियम, 1967 का 37 की धारा 3 की उपधारा 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना का. आ. सं. 848अ, तारीख 27 नवम्बर, 1994 जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है द्वारा यूनाइटेड लिबरेशन फ्रंट ऑफ असम उल्फा की विधि विरुद्ध संगम घोषित किया था,

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उपधारा 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार गृह मंत्रालय की अधिसूचना का. आ. 917अ, तारीख 20 दिसम्बर, 1994 द्वारा विधि विरुद्ध क्रियाकलाप निवारण अधिकरण का गठन किया था, जिसमें पंजाब और हरियाणा उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री सतपाल थे;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 4 की उपधारा 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना 21 दिसम्बर, 1994 को उक्त अधिकरण को यह न्यायनिर्णीत करने के प्रयोजन के लिए निर्देशित की थी कि क्या उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण है या नहीं;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा 38 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में की गई घोषणा की पुष्टि करते हुए, 24 मई, 1995 को एक आदेश किया था;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा 4 के अनुसरण में, उक्त अधिकरण के उक्त आदेश को प्रकाशित करती है, अर्थात् :-

- अंग्रेजी पाठ के अनुसार -
नई दिल्ली, 10 जुलाई, 1995 को हस्ताक्षरित तथा सुपुर्व

हस्ताक्षरित
न्यायमूर्ति सतपाल
विधि विरुद्ध क्रियाकलाप निवारण अधिकरण
वी. एन. झा, संयुक्त सचिव
[फा. सं. 11011/33/94-एन. ई. IV]

1664 GI/95

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th July, 1995

S.O. 618(E).--Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the United Liberation Front of Assam (ULFA) to be an unlawful association vide notification of the Government of India in the Ministry of Home Affairs number S.O. 848(E), dated the 27th November, 1994 (hereinafter referred to as the said notification);

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Ministry of Home Affairs number S.O. 917(E), dated the 20th December, 1994, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice Sat Pal, Judge of Punjab and Haryana High Court;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 21st December, 1994, for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 24th May, 1995, confirming the declaration made in the said notification;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal namely :--

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

In Re :

United Liberation Front of Asom (ULFA)

CORAM :

Hon'ble Mr. Justice Sat Pal

PRESENT :

Central Government through Shri V. P. Singh, Senior Advocate, with Mr. Mukul Dhawan, Advocate.

State of Assam through Mr. S. N. Chowdhury, Senior Advocate, with Mr. A. K. Sinha, Advocate.

United Liberation Front of Asom (ULFA) ex parte.

ORDER

By its Notification No. S.O. 848(E) published in the Gazette of India (Extraordinary) dated 27th November, 1994, the Central Government in pursuance of the powers conferred by Section 3(1) of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the Act), declared the United Liberation Front of Asom (in short, ULFA) to be an unlawful association with immediate effect on the ground that ULFA had indulged in various illegal activities intended to disrupt or which disrupt the sovereignty and territorial integrity of India in furtherance of its objective of liberating Assam and has aligned itself with other unlawful associations like National Socialist Council of Nagaland (NSCN) and Bodo Security Force (Bd.S.F.) to liberate Assam and further in pursuance of its aims and objectives has recently engaged in several unlawful and violent activities during the currency of its declaration as an 'unlawful association'.

Vide Notification No. S.O. 917(E) dated 20th December, 1994, the Government of India constituted this Tribunal and in pursuance of the requirement of sub-section (1) of Section 4 of the Act, the Central Government has made this reference to the Tribunal. Along with the copy of the said Notification, the Government had annexed a brief resume regarding the aims, objectives and activities of ULFA. In this resume, the Central Government had stated, *inter alia*, the following facts:-

- (1) The United Liberation Front of Asom (ULFA) is a militant organisation which came into being in 1979 in the wake of agitation launched by the All Assam Students Union (AASU) on the foreigners' issue. Its professed aim is to liberate Assam from, what it calls, "Indian Colonial Regime" and to establish a socialist society free from exploitation.
- (2) This Organisation is active in the entire Brahmaputra valley and mainly in upper Assam in the districts of Dibrugarh, Sibsagar, Jorhat, North Lakhimpur, Golaghat and Dhemaji. The districts of Nalbari, Barpeta and Nowgong including the city of Guwahati are also affected by ULFA activities.
- (3) Until 1983-84, the activities of ULFA remained at relatively a low key. Following an understanding reached between ULFA and the National Socialist Council of Nagaland (NSCN), a group of ULFA volunteers went across to Myanmar (Burma) in 1983 for training under the Kachin Independence Army (KIA) and NSCN in guerrilla warfare activities and returned to Assam in 1984.
- (4) ULFA has been indulging in various kinds of illegal, violent and secessionist activities leading to a deep sense of insecurity among the people particularly people from outside Assam and those who appear to be opposing or inclined to oppose ULFA activities and their methods. Some of the activities of ULFA are mentioned below :
 - (i) Extortion of money from non-Assamese Businessmen and Tea Garden personnel.
 - (ii) Murder of identified political leaders, police officials, businessmen and such other persons as do not fall in line with the dictates of ULFA.

- (iii) Snatching/collection of arms from the licence-holders.
 - (iv) Threat, intimidation, kidnapping and harassment of the people especially of non-Assamese origin, residing in the State of Assam.
 - (v) Dacoities, highway robberies and looting of Banks.
 - (vi) 'Punishment' of alleged offenders for social and economic crimes.
 - (vii) Forcible occupation of lands and buildings.
- (5) ULFA's violence was directed mainly at non-Assamese businessmen, police persommel, journalists, tea garden officials as well as members of the supporters of the political parties, mainly Congress (I). The attacks were meticulously planned and executed with the intention of terrorising specific sections of the population.
- (6) ULFA's widespread extortions met with very little resistance and yielded the outfit huge funds which had been utilised by the outfit for financing its vast organisational machinery, training programmes and arms procurement. ULFA is known to maintain close liaison and contacts with other extremist outfits operating in the North Eastern Region namely Bodo Security Force (Bd.S.F.), Peoples Liberation Army (PLA), United National Liberation Front (UNLF) and National Socialist Council of Nagaland (NSCN). These organisations with the assistance and cooperation of Kachin Independence Army (KIA), a Burmese extremist outfit have been instrumental in providing arms and ammunition as well as imparting training to ULFA violenteers. ULFA's arms build up not only poses a grave threat to the multilingual and multi-ethnic of Assamese society but also to the integrity of the entire North East. The panic and terror generated by the ULFA cadres have already initiated the process of migration of non-Assamese from the State and of flight of capital with serious adverse consequences on the tea industry.
- (7) The recent trend of extortion of money by the ULFA cadres has been to send letters to tea managements' business establishments with demand for huge amount of money for the cause of ULFA. In most of the cases, concerned business establishments, tea gardens and other maintained a discrete silence inspite of receipt of threatening letters and phone calls from ULFA cadres.
- (8) The ULFA leadership has issued inter-alia following instructions to its activists :-
- (i) In view of larger interests of the organisation special efforts must be made to bring back the trained members of the outfit who have surrendered to the authorities.
 - (ii) List of all surrendered ULFA activists who are working as informers of the police and the administration may be prepared and furnished to the Central Committee.

- (iii) No member of anti-talk ULFA should be allowed to surrender before the authorities and those who defy the instruction should be treated as traitors and enemies of the people.
 - (iv) All members of the Army wing of the outfit must remain prepared for sudden encounter with the enemy.
 - (v) All district committees should submit account of arms and ammunition held in their possession to the Central Committee.
 - (vi) Special efforts should be made to procure all arms and ammunition retained by pro-talk elements.
 - (vii) All units of ULFA must prepare a list of Congress (I) activists and take action against them.
 - (viii) District Committees will not be allowed to take action against smugglers of arms and ammunition and those involved in clandestine trafficking in arms etc.
 - (ix) Arrangements should be made by all units of ULFA to attack and blow up vehicles carrying Police/Para-military Forces personnel and police patrol parties by using explosives handgrenades and mines. Special efforts should be made to snatch away arms and ammunition from Army/Paramilitary Forces and Police patrol parties.
- (9) ULFA has been virtually running a parallel illegal administration by way of collecting taxes from people, holding courts to adjudicate disputes of civil and criminal nature between parties and imposing sentences which inter-alia include physical injury and death penalty. These are aimed at giving a facade of responsibility and cover their illegal, violent and anti-social acts. These activities also make a show of championing populist causes in a bid to project that it is only the anti-social corrupt and undesirable elements which are being punished.
- (10) In view of its violent activities, this outfit and all its factions and wings were declared unlawful under the Unlawful Activities (Prevention) Act, 1967 with effect from 27th November, 1990. The notification declaring the outfit as an unlawful association was confirmed by the Tribunal constituted to adjudicate the aforesaid notification.
- (11) Since there was no let up in its violent activities, the organisation was again declared an unlawful association with effect from 27th November, 1992 and the Tribunal constituted to adjudicate the notification again confirmed the declaration.
- (12) A careful analysis of the activities of ULFA reveals that the anti-talk faction has given no inclination of any change of heart. The outfit has not given up its secessionist goal of 'liberation' of Assam from the Union of India and remains

steadfast in its objective of securing independence for Assam through an armed struggle and continues to pursue the strategy of waging an armed struggle to achieve its professed aim.

- (13) The ULFA faction has started making concerted efforts to regroup its position. Its activities aimed at organisational consultation include efforts to restore communication links between various districts units, replenishing its arsenal, improving or establishing links with other militant bodies, setting up safe shelters outside the State's boundary and extending its influence in new areas. Its links with NSCN remained strong, ULFA cadres continue to seek refuge in NSCN camps in Myanmar as well as in Nagaland. It has also strengthened its links with the Bodo Security Force and it has been using Bodo Security Force camps inside Bhutan for shelter and hideouts. This outfit has also established hideouts inside Arunachal Pradesh by exploiting its links with the United Liberation Volunteers of Arunachal Pradesh (ULVA). ULFA has also made efforts to attract Muslim youths to broad-base the organisation. The Government of Assam has report that ULFA and Islami Chatra Sibir (ICS) of Bangladesh have reached an agreement and the ICS has agreed to supply arms and ammunition to ULFA.
- (14) In spite of its having been declared unlawful for a number of years, ULFA's capacity to undermine law & order, security of the country and its territorial integrity cannot be underestimated. Any relaxation in the administrative and political measures to contain its violent activities would hasten the process of its resurgence. This outfit continues to have significant nuisance value as witnessed in the sporadic acts of violence and the wide-spread sense of insecurity it has caused in certain areas through its rampant extortions and intimidation. Several pro-talk leaders and leaders of political parties are known to figure in the hitlists of the ULFA extremists. This outfit may resort to more violent activities to restore the morale of its cadres as well as to send a message about its continued viability as a terrorist organisation.
- (15) The ULFA, in furtherance of its aims, has also developed links with other unlawful associations like National Socialist Council of Nagaland (NSCN) and Bodo Security Force (Bd.S.F.) for training ULFA cadres and engaging in other unlawful and secessionist activities. ULFA has also established hideouts and training camps across the border in pursuance of its secessionist objectives. The State Government of Assam has given the following details of the unlawful activities of ULFA which seriously threaten the sovereignty and territorial integrity of the country :--
- (i) During the period from 27 November, 1992 upto October 1994, 227 ULFA related incidents of terrorist violence were reported in Assam. This outfit has gunned down 90 persons including 25 security forces personnel during the above period;

- (ii) The outfit has indulged in a spate of extortion activities particularly from the tea sector in addition to its acts of kidnapping for ransom. The outfit is reported to have raised several crores of rupees through extortion;
 - (iii) ULFA has embarked on a programme of restructuring its organisational network at grass root level by launching a quiet but systematic drive for recruitment of fresh cadres and revamping the district, anchalika and Sakha committees, while continuing with its terrorist and insurgency activities;
 - (iv) The publicity wing of the organisation has remained active and has published clandestine leaflets, magazines highlighting the goal of the outfit, alleged exploitation by the Central Government and exhorting the people to join the so-called liberation struggle and thereby subverting their loyalties;
 - (v) The ULFA cadres have been instructed to compile list of police informers/government collaborators and Congress (I) activists and identify soft targets for retaliatory action against them;
 - (vi) The army wing of ULFA has been instructed to mingle with the common people and execute assigned tasks;
 - (vii) Information received by the State Government suggests that ULFA and Islami Chatra Sibir (ICS) of Bangladesh have reached an agreement and the ICS has agreed to supply arms and ammunition to ULFA;
 - (viii) ULFA has a number of training camps and sanctuaries in Bangladesh, Bhutan and Myanmar. ULFA is also sending its cadres for training to Pakistan and Afghanistan as revealed by some of the arrested ULFA activists.
- (16) In pursuance of its aforesaid aims and objectives, ULFA has been engaging in several unlawful and violent activities during the existing period when it had been declared unlawful undermining the authority of the lawfully established government and spreading terror and panic among the people. Such unlawful activities include :
- (i) During the period from 27 November, 1992 upto October, 1994, 227 ULFA related incidents of terrorist violence were reported in Assam. This outfit has gunned down 90 persons including 25 security forces personnel during the above period;
 - (ii) The outfit has indulged in a spate of extortion activities particularly from the tea sector in addition to its acts of kidnapping for ransom. The outfit is reported to have raised several crores of rupees through extortion;

- (iii) ULFA has embarked on a programme of restructuring its organisational net work at grass root level by launching a quiet but systematic drive for recruitment of fresh cadres and revamping the district, anchalika and Sakha Committees, while continuing with its terrorist and insurgency activities;
 - (iv) The publicity wing of the organisation has remained active and has published clandestine leaflets, magazines highlighting the goal of the outfit, alleged exploitation by the Central Government and exhorting the people to join the so-called liberation struggle and thereby subverting their loyalties;
 - (v) The ULFA cadres have been instructed to compile list of police informers/government collaborators and Congress (I) activists and identify soft targets for retaliatory action against them;
 - (vi) The Army Wing of ULFA has been instructed to mingle with the common people and execute assigned tasks;
 - (vii) Information received by the State Government suggest that ULFA and Islami Chatra Sibir (ICS) of Bangladesh have reached an agreement and the ICS has agreed to supply arms and ammunition to ULFA;
 - (viii) ULFA has a number of training camps and sanctuaries in Bangladesh, Bhutan and Myanmar. ULFA is also sending its cadres for training to Pakistan and Afghanistan as revealed by some of the arrested ULFA activists.
- (17) In view of the foregoing, the Central Government is of the opinion that on the material placed before it, the ULFA is an unlawful Association.
- (18) Therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967, the Central Government declared the United Liberation Front of Asom and the various wings thereof as Unlawful Association vide notification S.O. 848(E) dated 27-11-94.
- (19) The Central Government was also of the opinion that the activities of the ULFA are detrimental to the sovereignty and integrity of India and if there is no immediate curb and control on these activities, ULFA will take the opportunity to re-group and re-arm itself, expand its cadre, procure sophisticated arms and ammunition, accelerate its extortionist activities, increase its secessionist propaganda and cause heavy loss of lives of civilians and security forces.

On receipt of the reference, the Tribunal issued notice under sub-section (2) of Section 4 of the Act, to ULFA, calling upon it to show cause within 30 days from the date of the service of the notice why it should not be declared unlawful and why the order should not be made confirming the declaration made in the Notification, dated 27th November, 1994. Notice was directed to be issued by various modes. The Central Government filed an affidavit of Shri L. K. Prasad, Under Secretary (Asam) Ministry of Home Affairs, dated 30th March, 1995 along with copies of the newspapers and other documents in support of the service of the notice. Despite service of the notice, no one entered appearance on behalf of the ULFA nor any reply to the show cause notice has been filed.

On 3rd April, 1995, the following issues were framed :

- (1) Whether on the facts and circumstances stated in the Notification, dated 27th November, 1994, and resume accompanying the reference, there is sufficient cause for declaring the United Liberation Front of Asom unlawful ?
- (2) What orders are required to be made either confirming the declaration made in the Notification or cancelling the same under sub-section (2) of Section 4 of the Act ?

On the above mentioned date, the Central Government was directed to file the list of witnesses and was permitted to lead evidence by way of affidavits. Pursuant to this order, the Central Government filed one affidavit of Shri L. K. Prasad, Under Secretary, Ministry of Home Affairs. Along with this affidavit, photo copy of the statement containing 272 incidents of violence perpetrated by the ULFA activists during the period from 27th November, 1992 to 20th October, 1994; photo copy of the objectives of Indo-Burma Revolutionary Front (IBRF); photo copy of the Joint Agreement of ULFA and Bodo activists for mutual help and assistance for conducting joint operations; photo copies of the demand/extortion notes by ULFA activists; photo copy of the instructions issued by ULFA activists to spread violence for secessionist objectives; photo copies of letters/notes issued by ULFA activists in its war of "insurrection" against the Government of India; photo copy of "Swadhinata", a mouth-piece of ULFA; photo copy of the articles published by ULFA containing highly seditious items; photo copy of the circular issued by ULFA Chairman, Arabinda Rajkhowa; and photo copies of the statements made by the arrested activists were annexed.

On 3rd April, 1995, the learned counsel for the Central Government submitted that most of the material in support of the case as well as the witnesses who were to depose, were available at Guwahati and requested that the hearing for recording evidence should be held at Guwahati. Keeping in view the aforesaid submissions of the learned counsel, it was directed that the evidence will be recorded at Guwahati on 26th and 27th April, 1995.

On 26th April, 1995, the Central Government examined five witnesses and on 27th April, 1995 four witnesses were produced and examined. The witnesses whose oral testimony has been recorded are Sarvshri D. Ahmed, Superintendent of Police Nalbari; Pradeep Kumar, Superintendent of Police Nagaon; P. C. Neog, Superintendent of Police Jorhat; J. H. Ahmed, Superintendent of Police Kamrup; R. K. Singh, Superintendent of Police Tinsukhia; P. Chetia, Superintendent of Police, Dhubri; A. J. Baruah, Additional Superintendent of Police; S. P. Kar, Deputy Inspector General of Police (CID); and L. K. Prasad, Under Secretary, Ministry of Home Affairs, Government of India. During the course of evidence, some documents were also produced by the aforesaid witnesses.

PW 1, Shri D. Ahmed proved the incident of 4th February, 1994, when one Parmode Talukdar along with his P.S.O. was ambushed by activists of ULFA and were fired by these activists with automatic weapons AK 47 and both were killed at the spot. This witness also proved a copy of the letter, dated 16th June, 1992, addressed by the so-called Chairman of ULFA to its Nalbari Unit wherein it was stated

that the ULFA activists should not have any confrontation with the activists of SULFA (surrendered ULFAs). He also proved a copy of another letter, dated Nil addressed by the Office Secretary of Nalbari Unit to the President/Secretary of South West Unit of ULFA asking them to observe 28th November, 1993 as a black day in protest against the State terrorism. This witness also proved the incident of 25th September, 1994, when two ULFA activists kidnapped Dr. Ram Dutta Buzarbarua, Superintendent, MMC Hospital, Guwahati from his village Barkhola. He also deposed that recently the Police got information that on 7th April, 1995, the activists of ULFA were going to celebrate the foundation Day of ULFA at village Gandhibari district Nalbari, and he organised a raiding party and there was an encounter between the Police and the activists of ULFA on that day. He further stated that during this encounter, one activist of ULFA has shot dead and he was later on identified as Chandi Das alias Ajit Bhuyan, and the Police also recovered one stengun along with two loaded magazines from the body of the said activist. This witness also proved the incident of 30th July, 1994, when the ULFA activists kidnapped Dr. S. N. Choudhary at Nalbari town and thereafter, the Police raided the hideout of ULFA activists and saved the said person from their custody. He further deposed that on 7th April, 1995, during the course of raid of the Police at the camp of the activists of ULFA, the Police had recovered one magazine containing photographs of training camps of ULFA activists, and he also filed a copy of the same before the Tribunal.

P.W.2, Shri Pradeep Kumar proved the incident of 22nd February, 1994, when certain activists of ULFA had killed seven ULFA surrendrees at Naipum Rangalumukh village. This witness also proved the incident of the right between 26th and 27th December, 1993, when certain activists of ULFA attacked and resorted to indiscriminate firing on the inmates of Police Station Jajori and in this attack, three police personnel were killed at the spot and five of them were uninjured, one of them succumbed to his injuries later on. In this incident, the activists also looted and took away 6 rifles (303), one 9 mm Pistol, three Numbers of hand grenades and one wireless set and certain rounds of ammunition. They also took away the certain uniforms of the Police personnel from the Police Station. This witness also deposed that the activists of ULFA were still operating in his district and recently on 7th January, 1995, two activists of ULFA came to the market of Lanka Town and shot dead Bijoy Kumar Agrawal and his father Ram Gopal Agrawal.

PW 3, Shri P. C. Neog proved the incident of the night between 22nd and 23rd January, 1994, when some suspected ULFA activists attacked Jorhat District Police armoury located at Police Reserve, Borbheta in Jorhat town. During this attack, certain guards on duty were injured and one guard namely Khagen Das was killed, and one guard, namely, Constable Sailen Blora along with 15 rounds of ammunition was found missing and it was suspected that he had joined ULFA outfit. This witness also deposed that the activists of ULFA were still operating in his district and recently on 7th April, 1995, one motor cycle met with an accident as Madhapur Lahang babejiagaon and from the motor cycle, the Police seized certain documents belonging to ULFA organisation. One of the seized documents, was a book "ASOMAR SWADHINATA TAR NYIAJATA" written by Arabinda Rajkhowa, who is a self styled Chairman of ULFA. The true translation of the title of the book is "Justification of Assamese Freedom".

PW 4, Shri J. H. Ahmed proved the incident of 14th December, 1994, when two ULFA activists kidnapped one Sukumar Kalita, who was posted as Jajikona block as B.D.O. He, however, stated that the said person was released by those activists on the same evening. This witness also proved the incident of 9th June, 1993, when two activists of ULFA kidnapped one businessman, namely dinesh Chowdhary from his residence at village Kokjhar District Kamrup in a Maruti van. He also stated that the said Dinesh Chowdhary was, however, released by the activists of ULFA on 16th June, 1993. Later on some of the activists of ULFA, including one Pranab Mahanta were arrested by the Police and the said Pranad Mohanta confessed that the activists of ULFA including him had kidnapped Dinesh Chowdhary and they had released him after he had paid a sum of Rs. 3 lac as ransom and had promised to make payment of another sum of Rs. 2 lacs after his release. This witness also proved the incident of 22nd June, 1994, when four activists of ULFA came on a motor cycle to the residence of a Bank employee, namely Praneshwar Debasarma of village Nahira and made an illegal demand of Rs. 50,000/-. The Police had already prior information of this incident and had reached the residence of the said employee at the time when the illegal demand was made by the activists of ULFA and they caught these activists red-handed. He also stated that the activists of ULFA are still operating in his district, and recently on 8th March, 1995, a boy of about 8 years, who is the son of an IAS officer, was kidnapped from Guwahati city by the activists of ULFA and these activists are reported to have taken the said boy to village Moihati which is in Kamrup district. He further stated that the police had already made efforts to recover that boy but so far the Police has not achieved success.

PW 5, Shri R. K. Singh proved the incident of 15th February, 1994, when one Rameshwar Singh, General Manager, Assam Frontier Tea Ltd. was going to his garden office, was stopped by five activists of ULFA. Mr. Rameshwar Singh tried to reverse his vehicle to go back to his residence, but those activists started firing at him indiscriminately and he was injured seriously. He succumbed to his injuries on the way to Hospital. He also deposed that in March, 1995, during the routine checking, the Police, arrested one ULFA activists, namely Tuleshwar Mahanta alias Biren Deuri and in his statement, he admitted that he along with four other activists was responsible for killing Rameshwar Singh on 15th February, 1994.

PW 6, P. Chetia proved the incident of 19th September, 1994, when on the basis of information, the Police had raided the hide-out of ULFA activists at Khudigaon and there was a heavy exchange of fire between these activists and the Police, and as a result thereof, two activists of ULFA were killed. They were identified as Apurba Das alias Arup Chakravorty and Pradip Berman. He also deposed that from the place of occurrence, the Police recovered one 1.38 bore revolver with four rounds of ammunition, one US carbine with 25 rounds of ammunition, one Hero Honda motor cycle and one Assamese typewriter machine and certain incriminating documents. He further stated that one of these documents was the letter, dated 9th June, 1994, allegedly addressed by A. Chakravorty, self styled Chairman, ULFA, District Dhubri to his Comrades and in this letter, it was stated that some activists of ULFA of District Dhubri had deserted and had started working with the agents of the Government and all the activists of ULFA should be vigilant and watchful against them.

PW 7, Shri A. J. Baruah, Additional Superintendent of Police, Sanitpur, stated that Shri U. Kumar, who was the Superintendent of Police, Sunitpur and whose name was given in the name of the witnesses, was not in a position to depose as he had gone to Angola on an assignment of UNO on 25th April, 1995. In these circumstances, he was permitted to appear as a witness. This witness proved the incident of midnight of 7th February, 1994, when a bomb exploded inside the bed room of SI Troilukya Dadhara, Officer Incharge, Gohpur Police Station which resulted in his death. He further stated that one Home-guard, namely, Bibekanamda Hazarika, who was residing within the Thana complex had planted the said bomb as another bomb was recovered from the locked suit case of the said Homeguard, and after the incident, the said Homeguard escaped. He also stated that during the investigation of the case, about 18 ULFA activists were arrested, and one of them Dhaneswar Bora admitted in his statement that Homeguard Bibekanamda Hazarika had planted the bomb which exploded inside the bed room of SI Troilukya Dadhara. This witness also proved the incident of 9th October, 1994, when three businessmen of Tezpur town were kidnapped by the activists of ULFA. He deposed that these persons had not been recovered from the custody of ULFA activists despite best efforts of the Police. He also deposed that the activists of ULFA were still operating in his District and recently in November, 1994, two activists of ULFA were arrested from a village which is in the district under his jurisdiction.

PW 8, Shri S. P. Kar, proved Annexure 'A' filed along with the affidavit of Shri L. K. Prasad and deposed that the facts stated in Annexure 'A' were prepared in the Special Branch office and stored in the computer on the basis of the information collected from various District Police Stations of Assam. He also proved the Assamese version of Indo Burma Revolutionary Front, dated 1st May, 1992 and stated that the English version of this document was filed as Annexure 'B' along with the affidavit of Shri L. K. Prasad. This witness also deposed that ULFA was set up by its activists on 7th April, 1979, with the object of carving out an independent State from the Union of India consisting of the whole State of Assam, and in furtherance of this object, they had prepared their Constitution and true English translation of the aims and objects of the ULFA organisation as contained in the said Constitution have been reproduced in the affidavit of Shri L. K. Prasad. He further stated that in recent years, ULFA activists had formed alliance with other organisations of ultras, namely, Nationalist Socialist Council of Nagaland (NSCN), Bd.S.F., PLA of Manipur and some other local ultras of Arunachal Pradesh like ULVA. He also stated that the activists of ULFA along with the activists of NSCN and some rebels of Northern Burma like Kachin Independence Army, Chin National Front had formed an organisation as the Indo-Burma Revolutionary Front, and in pursuance of the said object, activists of ULFA have been trying to create a situation like civil war in the State of Assam. Lastly, he stated that it was essential to declare ULFA an unlawful association under the Act in view of the evidence tendered by the Central Government and the State of Assam.

PW 9, Shri L. K. Prasad proved his affidavit, dated 19th April, 1995. He stated that the facts stated in this affidavit had been stated as per the information received by him from the Government of Assam and the annexures appended to the affidavit were true copies of the documents which were received from the Government of Assam.

From the evidence on the record, it stands proved that ULFA was established in the year 1979 and has been maintaining close nexus with other terrorist organisations like NSCN, Bd.S.F. and give mutual military and political help to each other in organisational and operational matters; that the main aim and objective of ULFA is to achieve sovereignty of Assam by armed revolution and its struggle is for the release of Assam from the Indian Republic. In pursuance of its aforesaid aims and objectives, ULFA has been engaged in several unlawful and violent activities during the existing period when it had been declared unlawful. ULFA has been indulging in various kinds of panic and insecurity among the people particularly the people from outside Assam and those who appear to be opposing or inclined to oppose ULFA activities and their methods. The activities of ULFA had been making attack against the Police and civilians and had killed numerous persons. They have been kidnapping people to extort money and a large quantity of sophisticated arms and ammunition had also been recovered from the activists of ULFA.

As per the Constitution of ULFA, it contains the following aims and objectives :

- (a) To achieve sovereignty of Assam by armed struggle;
- (b) To safeguard the people and interest of Assam and its neighbouring lands, i.e. Nagaland, Manipur, Mizoram, Meghalya, Arunachal Pradesh and Tripura;

- (c) To have full control over the revenue resources of Assam such as oil and natural gas, forests etc.
- (d) To gain public support against Indian and non-Indian exploitation;
- (e) To stand up against any suppression and repression of the masses;
- (f) To fight against forces of common and specific interest;
- (g) To open field of discussion and understanding for political support with foreign countries in conformity with the aims and objects of ULFA for achieving this goal.
- (h) To exchange thoughts and mutual help with the countries having identical thoughts and ideology and political notions.

The material placed on record clearly shows that ULFA is an armed insurrectionary organisation and its aim and object is to liberate the State of Assam from Indian Republic through armed struggle, thereby threatening the sovereignty and integrity of India and it has aligned itself with other unlawful associations within India and the organisations in the neighbouring region across the country's border. The evidence further shows that to achieve the aforesaid objective, ULFA has encouraged and aided its members to commit unlawful activities as stated herein above. Accordingly, the issues framed on 3rd April, 1995, have to be answered in the affirmative.

In view of the evidence on the record, I am satisfied that there was sufficient cause for declaring ULFA to be an unlawful association by Notification No. S.O. 848(E) dated 27th November, 1994, issued by the Government of India, Ministry of Home Affairs under Section 3(1) of the Act. Accordingly, the declaration made by the Central Government in the said Notification is hereby confirmed.

Signed and delivered this day ,
the 24th of May, 1995 at Chandigarh.

Sd/-
JUSTICE SAT PAL
UNLAWFUL ACTIVITIES
(PREVENTION) TRIBUNAL."
[F. No. 11011/33/94-NE. IV]
B. N. JHA, Jt. Secy.